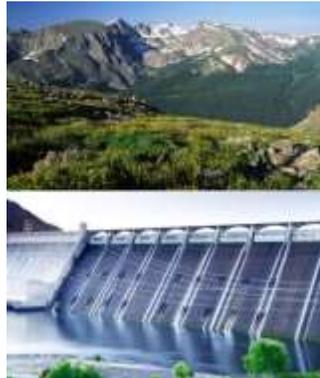




## Top Stories

**2/12/2016**—NCSL, along with the National Governors Association, the Environmental Council of States, and the Association of State and Territorial Health Officials, sent a [joint letter](#) to the U.S. House and Senate leadership offering input on the Toxic Substances Control Act (TSCA) reform legislation. Separate TSCA reform bills have passed each chamber and the two bodies are working to reconcile the differences for a final bill to be released sometime this year. The state associations' letter calls for the final bill to allow states to protect state authority to regulate and adopt toxic chemical standards in the absence of EPA final action.



**2/9/2016**—The U.S. Supreme Court granted a stay halting implementation of the U.S. Environmental Protection Agency's (EPA) Clean Power Plan (CPP) until the U.S. Court of Appeals for the D.C. Circuit rules on the CPP's legality. The stay means that for now, the requirement for states to submit a compliance plan or initial plan with a request for an extension by Sept. 6, 2016, is on hold. It remains unclear how the stay will impact the Court of Appeals' ruling on the case itself. For more information see [NCSL's Info Alert](#).

## From the Administration

**2/22/2016**—According to a [draft inventory report](#) from EPA, U.S. greenhouse gas emissions increased by .9 percent between 2013 and 2014. The average annual increase has been .3 percent since 1990. EPA attributed the larger-than-

average increase to the use of heating devices in “relatively cool winter conditions,” as well as an increase in industrial and transportation emissions.

**2/22/2016**—The 6th U.S. Circuit Court of Appeals [agreed](#) to hear legal challenges to the EPA's Waters of the U.S. rule, a federal regulation that determines which waterbodies qualify for Clean Water Act protections. The appellate court decision means that the administration will not have to fight separate battles in various federal courts. An earlier decision by the 6th Circuit to stay the rule until the lawsuits are adjudicated will remain in effect.

**2/18/2016**—EPA [announced](#) its National Enforcement Initiatives (NEI) for October 2016 through October 2019. NEIs are selected every three years to identify environmental problem areas where EPA should focus its federal enforcement resources. In addition to retaining four past NEIs, EPA added two new initiatives: keeping industrial pollutants out of the nation's waters and reducing risks of accidental release at industrial and chemical facilities.

**2/17/2016**—EPA [proposed](#) to designate 12 areas in eight states as failing to meet the primary ambient air quality standard for sulfur dioxide. The designation would require the states to develop plans and meet deadlines to achieve compliance. According to the Office of Air Quality the final decision will be made by July 2. Texas would be the most affected, with five counties in the state in possible “nonattainment” of the sulfur dioxide standards.

**2/9/2016**—President Obama released his Fiscal Year 2017 [budget request](#). Within the budget was a \$1.65 billion proposal for a Climate Infrastructure Fund to be administered by the EPA. The president's budget would also increase funding for the Drinking Water State Revolving Fund but decrease the Clean Water State Revolving Fund. The budget also includes a proposal to stop fire suppression transfers and fund wildfires as natural disasters.

**2/1/2016**—The U.S. Forest Service (USFS) [released](#) a national assessment of peer-reviewed scientific research on the impacts of drought on U.S. forests and rangelands. The report establishes a comprehensive baseline of available data that land managers can use to see how their efforts to improve drought resilience and adaptation practices are working nationwide.

## From Congress

**2/23/2016**—Thirty-four U.S. Senators and 171 members of the U.S. House of Representatives [submitted](#) an *amicus brief* to the D.C. Circuit Court of Appeals in support of the petitions filed by 27 states to overturn EPA's Clean Power Plan. The congressional members argue that EPA has overstepped its authority by requiring power plants to regulate greenhouse gases, as power plants are already regulated under Section 112 of the Clean Air Act. Oral arguments in the case will begin on June 2.

## Additional News

**2/22/2016**—The U.S. and Canada [announced](#) an agreement to reduce the amount of phosphorus flowing from farms and wastewater treatment plants into Lake Erie by 40 percent. The phosphorus pollutants create low oxygen "dead zones" in the water which kill marine life.

**2/18/2016**—Harvard University published [a study](#) showing that U.S. methane emissions had increased by more than 30 percent over the past 10 years. The study did not identify the reason for the methane emissions growth, but it did note that much of the emissions originated in the middle of the country.

**2/16/2016**—A group of 17 bipartisan governors signed the [Governors' Accord for a New Energy Future](#), a commitment to diversify energy generation, expand clean energy sources and modernize energy infrastructure. The pact promotes investments in renewable energy technologies and discusses setting efficiency standards and siting environmentally desirable infrastructure.

**2/16/2016**—The Regional Greenhouse Gas Initiative's (RGGI) allowance prices [dropped](#) to a 21-month low, falling 27 percent in one day to \$4.75/short ton. After the announcement on Feb. 9 that the U.S. Supreme Court had stayed the Clean Power Plan there was a wave of traders selling allowances thus resulting in the low price. Under RGGI, an "allowance" is a tradable unit of carbon dioxide equal to one short ton which entities trade to keep overall carbon emissions at a set level.

**2/9/2016**—The United Nations' International Civil Aviation Organization (ICAO) [released](#) a proposed rule that would mandate all large commercial aircraft to reduce their cruising fuel consumption by an average of 4 percent by 2028 (compared with 2016 levels.) Overall reductions range from 0 to 11 percent depending on the size of the aircraft. This draft rule would represent the first ever standards for greenhouse gas emissions from aircrafts. In the U.S., EPA is expected to finalize a scientific endangerment finding on aircraft emissions later this year.

**2/4/2016**—California [proposed](#) new rules to limit greenhouse gas emissions from crude oil and natural gas facilities. The rules will limit the venting of methane and would require regular inspections of facilities to find leaks. The proposal is in response to the recent four-month long methane leak at the Southern California Gas Company storage facility.

## NCSL Resources

NCSL updated its [State Reactions to the Clean Power Plan](#) web brief to reflect recent legislation introduced in 2016 state legislative sessions.